United Nations CRC/C/OPAC/KHM/CO/1

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the report submitted by Cambodia under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

1. The Committee considered the initial report of Cambodia (CRC/C/OPAC/KHM/1) at its 1931st meeting (see CRC/C/SR.1931), held on 12 January 2015, and adopted at its 1983rd meeting (see CRC/C/SR.1983), held on 30 January 2015, the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the State party's initial report and its written replies to the list of issues (CRC/C/OPAC/KHM/Q/1 and Add.1). The Committee expresses its appreciation for the constructive dialogue held with the high-level delegation of the State party.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the State party's combined second and third periodic reports under the Convention on the Rights of the Child (CRC/C/KHM/CO/2-3), adopted on 3 August 2011, and on the initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/KHM/CO/1), adopted on 30 January 2015.

II. General observations

Positive aspects

4. The Committee welcomes the accession or ratification by the State party of:

(a) The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, in December 2005;

* Adopted by the Committee at its 68th session (12–30 January 2015).

(b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in May 2002;

(c) The Rome Statute of the International Criminal Court, in April 2002;

(d) The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, in July 1999;

(e) The Geneva Conventions of 1949, in June 1959, and the Protocols Additional I and II thereto, in July 1998;

(f) The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (with Protocols I, II and III) in March 1997.

5. The Committee notes with appreciation the establishment of 18 years of age, without exceptions, as the age for registration for both compulsory and contractual military service under the Law on the General Statutes for Military Personnel of the Royal Cambodian Armed Forces, dated 6 November 1997, and the Law on Compulsory Military Service, dated 22 December 2006.

III. General measures of implementation

Coordination

6. While noting that the Cambodian National Council for Children has developed effective collaboration with relevant ministries, including the Ministry of National Defence, and has established structures at the provincial, district and communes levels, the Committee is concerned that these efforts have not sufficiently included the monitoring of the implementation of the Optional Protocol and that the existing mechanisms under the Cambodian National Council for Children do not fully encompass the Optional Protocol in discharging their mandate.

7. **The Committee recommends that the State party ensure that the coordinating responsibilities of the Cambodian National Council for Children fully include the effective monitoring of the implementation of the Optional Protocol across sectoral ministries and all government and provincial levels, including by its decentralized structures.**

Independent monitoring

8. The Committee is concerned about the delay in establishing an independent national human rights institution in line with the principles relating to the status of national institutions (the Paris Principles) to regularly monitor progress in the fulfilment of children's rights under the Optional Protocol and to receive and address complaints from children.

9. **In the light of its previous recommendations (CRC/C/KHM/CO/2-3, para. 15), the Committee urges the State party to establish an independent mechanism to monitor the fulfilment of rights under the Optional Protocol and to deal with children's complaints in a child-friendly and expeditious manner.**

Dissemination, awareness-raising and training

10. While welcoming the translation of the Optional Protocol into Khmer and training activities to its military personnel, the Committee regrets that such training is not systematic and that limited efforts have been made in order to disseminate information on

the Optional Protocol among relevant ministries, children and the general public and to develop awareness-raising activities thereon. The Committee also notes with concern that training courses are not systematic and have been targeted mainly at military personnel.

11. **The Committee recommends that the State party enhance its dissemination efforts to make the principles and provisions of the Optional Protocol well known among government officials and law enforcement officers, including at the provincial level, and to develop specific information campaigns to raise awareness among parents, teachers, students, children and civil society actors. The Committee also recommends that the State party strengthen its training activities by including systematic and comprehensive education modules on the provisions of the Optional Protocol and on international humanitarian law for all relevant professional groups, police academies and for its military personnel, including its military personnel participating in international peacekeeping missions.**

Data

12. The committee regrets the lack of a systematic mechanism of data collection, analysis and monitoring of all areas covered by the Optional Protocol.

13. **The Committee recommends that the State party establish a comprehensive data collection system on all areas relevant for the implementation of the Optional Protocol and use the information and statistics collected as a basis for designing comprehensive policies and programmes with respect to the protection of children affected by and involved in armed conflicts.**

IV. Prevention

Age verification procedures

14. While noting the efforts the State party has conducted nationwide to ensure birth registration, the Committee remains concerned about:

(a) The low level of birth registration, in particular in remote areas and villages and among children in street situations;

(b) Impediments that prevent the effective implementation of the birth registration campaign, such as a 30-day time limit to register a child after his/her birth, sanctions for late registration and the requirement of an address;

(c) Gaps in the implementation of existing recruitment procedures in armed forces and in military schools, due to the lack of measures in place to detect forged documents, which may have an impact on the effectiveness of age verification procedures.

15. **The Committee calls on the State party to:**

(a) Continue and strengthen its efforts to ensure the birth registration of all children, including through mobile units, as a measure to prevent the recruitment of children, including children living in remote areas and villages and children in street situations, as recommended by the Committee in its previous concluding observations (CRC/C/KHM/CO/2-3, para. 37);

(b) Remove all impediments with a view to facilitating universal access to birth registration procedures;

(c) Ensure that existing recruitment procedures are strictly adhered to by all military and police institutions that recruit professional or contracted personnel

and by all military schools, and establish measures to detect the use of forged documents by persons under the age of 18.

V. Prohibition and related matters

Criminal legislation and regulations in force

16. The Committee is concerned that no sanctions are provided for in cases of violations and that the State party's legislation does not provide for:

(a) An explicit criminalization of the recruitment or use of children under 18 years of age in the State party's armed forces in war or peacetime;

(b) Criminal liability of non-State armed groups and of private security services or companies governed by Prakas No. 3557 on the control of private security forces for recruiting or using children under 18 years old;

(c) A definition of direct participation in hostilities.

17. **The Committee recommends that the State party amend its Criminal Code with provisions that explicitly criminalize the recruitment and use of children under the age of 18 years in the Royal Armed Forces, in non-State armed groups and private security services or companies, as well as a definition of direct participation in hostilities.**

Extraterritorial jurisdiction and extradition

18. The Committee is concerned that the State party's legislation allows for the exercise of extraterritorial jurisdiction only in limited cases where felonies are committed against victims who are nationals of the State party at the time of the offence. The Committee also regrets that extradition to countries with which the State party has no bilateral agreements is subject to the double criminality requirement.

19. **The Committee recommends that the State party take all legal and practical measures necessary to ensure that its domestic legislation enables it to establish and exercise extraterritorial jurisdiction over all offences covered by the Optional Protocol, including conscripting or enlisting children into armed forces or armed groups or using them to participate actively in hostilities, if such crimes are committed by or against a Cambodian national or a person who is a resident of the State party. The Committee further recommends that the State party repeal the double criminality requirement for extradition regarding offences under the Optional Protocol.**

VI. Protection, recovery and reintegration

Measures adopted to protect the rights of child victims

20. While noting the information provided by the State party that children under 18 years of age are not authorized to serve in the armed forces, the Committee is concerned about reports that children in uniforms may have been present during the conflict along the Cambodian-Thai border.

21. **The Committee urges the State party to ensure that no children wearing uniforms are present along the Cambodian-Thai border and to provide those who may have been involved in armed conflict with appropriate assistance for their physical and psychological recovery and their social reintegration.**

22. The Committee regrets the lack of information about mechanisms in place to identify children who may have been recruited or used in hostilities abroad, particularly among asylum seeking, refugee, migrant and unaccompanied children present within its jurisdiction.

23. **The Committee recommends that the State party put in place mechanisms and procedures to ensure the full protection of asylum seeking, refugee, migrant and unaccompanied children under the State party's jurisdiction, by identifying at an early stage children who may have been involved in armed conflict and ensuring that personnel responsible for such identification are trained on children's rights, child protection and child-friendly interviewing skills. The Committee further recommends that the State party ensure that such children are provided with adequate assistance for their physical and psychological recovery and their social reintegration.**

Assistance for physical and psychological recovery

24. While acknowledging the efforts developed by the State party in demining and risk education programmes, the Committee expresses its concern at the remaining high risk faced by children of being killed and/or maimed by mines and explosive remnants of war. It is further concerned that current programmes for mines and victims of explosive remnants of war do not sufficiently protect child victims and address their specific needs.

25. **The Committee recommends that the State party strengthen its mine awareness programmes and demining activities in order to protect children against mines and explosive remnants of war. The Committee also recommends that the State party consider developing child-friendly programmes in order to ensure the provision of adequate services tailored to the specific needs of child victims, in particular children with disabilities caused by remaining mines and explosive remnants of war, and to provide them with physical and psychological rehabilitation, as well as social assistance.**

VII. International assistance and cooperation

International cooperation

26. **The Committee recommends that the State party continue and strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore increased cooperation with the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights and other United Nations entities in the implementation of the Optional Protocol.**

VIII. Ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure

27. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure.**

IX. Follow-up and dissemination

28. **The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations by, inter alia,**

transmitting them to the parliament, relevant ministries, including the Ministry of National Defence, the Supreme Court, and to local authorities, for appropriate consideration and further action.

29. **The Committee recommends that the initial report and written replies submitted by the State party and the related concluding observations adopted by the Committee be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.**

X. Next report

30. **In accordance with article 8, paragraph 2, of the Optional Protocol the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.**